

the defendants at the conclusion of the Government's case and, again, at the conclusion of the defendant's case. These motions were argued and were denied by the court. The case was submitted to a jury and a verdict of guilty was returned against the company on count 4, but the jury was unable to agree on a verdict on count 2 with respect to either defendant, or on a verdict on count 4 with respect to Dr. Kirkpatrick.

On March 31, 1947, the defendants again filed a motion for acquittal on counts 2 and 4 on the grounds, among others, that the defendants had requested to be furnished with a part of the official sample; that the Government had refused the request for the reason that the owner of the solutions had declined to give the Government more than 2 ounces of each of the products; and that all had been consumed by the Government in its tests. The defendants, in their motion, argued that the law requires that the Government take twice the amount required for its tests; that there remained in the possession of the person from whom the samples were collected at least 6 ounces of each drug; that the Government had the power to seize the drugs if necessary; and that failure to furnish a part of the official samples had prejudiced the defendants in their defense. On the same date, the court granted the motion of acquittal on counts 2 and 4, holding both defendants not guilty on those counts.

**2333. Misbranding of Biosol and Urosol. U. S. v. Warren S. Piper (Merit Remedy Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 23218. Sample Nos. 15126-H, 53317-H, 67118-H.)**

**INFORMATION FILED:** September 22, 1947, Southern District of Ohio, against Warren S. Piper, trading as the Merit Remedy Co., Dayton, Ohio.

**ALLEGED SHIPMENT:** On or about May 17 and 20 and July 11, 1946, from the State of Ohio into the States of Illinois, Kansas, and Indiana.

**PRODUCT:** Examination disclosed that the *Biosol* consisted essentially of water, alcohol, esters, bile salts, soap, phenolphthalein, and aromatics; and that the *Urosol* consisted essentially of water, alcohol, strontium bromide, potassium acetate, sodium benzoate, sugar, aromatics, and plant extractives, including a small amount of unidentified alkaloids.

**NATURE OF CHARGE:** *Biosol*. Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article would be efficacious in the treatment of liver and gall disorders and conditions resulting from liver and gall disorders, whereas the article would not be efficacious for such purposes. Further misbranding, Section 502 (a), certain statements in the labeling of a portion of the article, i. e., a leaflet entitled "Instructions for Taking Biosol," which was shipped with the article, a letter dated July 11, 1946, a leaflet entitled "Diet Suggestions," and circulars entitled "Biosol A Remedy of Merit," "The Sick Gall Bladder," and "Urosol A Remedy of Merit," which were sent to the consignee on or about July 12, 1946, were false and misleading, since the article would not be effective for the purposes, and would not fulfill the promises of benefit, suggested and implied by the statements. The statements represented and suggested that the article was a solvent of the bile; that it would be efficacious in correcting ailments caused by liver and gall disorders; that it would be efficacious in the cure, mitigation, and treatment of gallstone disease, stomach and bowel ailment, gas and colic pains, disturbances incidental to liver and gall irregularities, liver and gall troubles, infected catarrhal gall bladder and ducts, thickened and stagnant bile, and kidney trouble; that use of the article would make an operation unnecessary; that the article would remove the cause of gall trouble; that it would be efficacious in the cure, mitigation, and treatment of inflammation of the gall bladder and ducts, pus in the gall bladder, distress and pain in pit of stomach, chronic dyspepsia, indigestion, sour stomach, heartburn, a feeling like a weight or heavy load in the stomach, a feeling like a heavy band around the waist, pain in right side or between or under shoulder blades, shifting or shooting pains around the waistline, burning sensation in right side just below the ribs, sick headache, colic, constipation, diarrhea, blues, piles, yellow, sallow, blotched, itchy skin, gas in stomach and bowels, loss of memory, lack of energy and vitality, gloomy depressed feeling, irritability, constant desire to sigh, poor circulation, cold hands and feet, gas pains under heart, dizzy spells, jaundice, vertigo, dull, heavy feeling in head, bad dreams and nightmare, nausea and vomiting of bile, a constant metallic or bitter taste in mouth, blood poison caused

by fermentation of food, dull, periodical headaches, pus formations, and arthritis; that it would restore health; that it was a liver tonic; that it possessed powerful healing properties; that when used alone and in conjunction with *Urosol*, it would be efficacious in the cure, mitigation, and treatment of conditions in which the kidneys and the bladder are affected by bile; that it would banish the symptoms caused by liver and gall disorders; that it would cleanse out the liver and gall bladder; that it would be efficacious in restoring the sick gall bladder to its normal condition; that it was a wonderful remedy for gall stones; and that it would be efficacious in the cure, mitigation, and treatment of gallstones, infected gall bladder, and all forms of gall bladder and liver troubles.

*Urosol*. Misbranding, Section 502 (a), certain statements on the label of the article, and in a circular entitled "Urosol A Remedy of Merit," which was shipped on or about the same date that the article was shipped, were false and misleading, since the article would not be effective for the purposes, and would not fulfill the promises of benefit, suggested and implied by the statements. The statements represented and suggested that the article would aid in the relief of cystitis, and prostate, bladder, and urinary inflammation; that it would be efficacious in the promotion of the free and natural flow of the urine and in the relief of congestion in the urinary passages; that it would be efficacious in the treatment of prostate gland troubles and inflammation of the bladder and kidneys; that it would produce a general healthy condition throughout the urinary tract; that it was a specific and regulator to the entire urinary tract; that it would be efficacious in the treatment of persons who suffer from bile backing into the kidney; that it would be efficacious in the cure, mitigation, and treatment of prostatitis, inflammation of the urethra, inflammation and pus in the kidneys, rising at night to void the urine, frequent desire to pass urine during the day, difficulty in passing the urine, passing of urine accompanied with a burning sensation, sciatic pains in the legs, pains at the back of the neck, aches through the hips and pelvic region, worries, irritability, whitish discharge in the urine, partial or complete impotence, lack of sexual desire, disturbance of the digestion, difficulty in passing stool, piles, general disturbances of the nervous system, and general lack of vigor; and that it would be efficacious in the cure, mitigation, and treatment of pains in the back, leg pains, loss of pep, lumbago, swollen feet and ankles, rheumatic pains, and dizziness. Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear a statement of the quantity and proportion of strontium bromide which was present in the article.

**DISPOSITION:** November 3, 1947. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 3 counts of the information.

**2334. Misbranding of B, and iron tablets. U. S. v. Paul Case. Plea of guilty. Fine, \$250.** (F. D. C. No. 20209. Sample Nos. 4162-H, 4605-H.)

**INFORMATION FILED:** February 18, 1947, District of Massachusetts, against Paul Case, Brockton, Mass.

**ALLEGED SHIPMENT:** On or about January 26 and June 11, 1945, from the State of Massachusetts into the State of New Jersey.

**PRODUCT:** Analysis disclosed that the product consisted of orange, sugar-coated tablets, containing compounds of iron and calcium, phosphates, lactates, and thiamine.

**LABEL, IN PART:** "The Paul Case B-1 and Iron Tablets A Doctor's Formula Formula—Number 3."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in a letter shipped with the article were false and misleading, since they represented and suggested that the article would restore and maintain pep and vitality; that it would be efficacious in treating persons who are tired, run-down, and worn-out; that it would restore the energy to work; and that it would make one look and feel younger and bring about abounding health. The article would not accomplish the results claimed.

**DISPOSITION:** March 15, 1948. A plea of guilty having been entered, the court imposed a fine of \$250.